

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

United States of America,)	CRIMINAL NO. 0:04-872 (CMC)
)	
v.)	OPINION and ORDER
)	
Sly Stallone Aikens,)	
)	
Defendant.)	
_____)	

This matter is before the court on Defendant’s motion for reconsideration of this court’s denial of relief under USSG Amendment 782, and to reduce his sentence pursuant to USSG Amendment 784. ECF No. 76. For the reasons below, Defendant’s motion is **denied**.

Defendant asserts that the Order denying his motion under Amendment 782 should be reconsidered, and requests that he be appointed an attorney to assist him with seeking reconsideration. This court previously has considered Defendant’s motion under Amendment 782, and determined that it did not apply to Defendant’s convictions. Pursuant to *United States v. Goodwyn*, 596 F.3d 233, 236 (4th Cir. 2010), “the clear intent of § 3582 is to *constrain* postjudgment sentence modifications” Section § 3582(c) “gives a district court one—and only one—opportunity to apply the retroactive amendments and modify the sentence.” *United States v. Mann*, 435 F. App’x 254, 254 (2011) (citing *Goodwyn*, 596 F.3d at 236); *see also United States v. Redd*, 630 F.3d 649, 651 (7th Cir. 2011). Accordingly, this court is without jurisdiction to entertain Defendant’s motion for reconsideration pursuant to Amendment 782. Therefore, Defendant’s request for appointment of an attorney is moot.

Additionally, Defendant contends that under Amendment 784, his sentences should run concurrently as opposed to consecutively. Defendant was convicted of two counts of violating 18

U.S.C. § 924(c), knowingly using and carrying a firearm during and in relation to, and possessing a firearm in furtherance of, a drug trafficking crime. Amendment 784 does not apply to sentences pursuant this statute. In addition, Amendment 784 was not declared retroactive to defendants sentenced prior to November 1, 2014. Therefore, Amendment 784 does not provide a basis for a reduction of Defendant's sentence.

Defendant's motion is, therefore, **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
February 1, 2016